

Serial No. 09/546,833**PATENT****Docket No. RAL920000042US1****REMARKS**

This amendment is in response to the Office Action mailed September 21, 2004.

Claims 4 and 7 are allowed and will not be discussed further.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form. The claim has been written in independent form and is believed to be allowable. Therefore, it too will not be discussed further.

Before addressing the rejected claims applicants would like to point out that this Office Action is not Final even though the Examiner had indicated that it was. Subsequent to receiving the Office Action, applicants brought it to the attention of the Examiner that pursuant to MPEP 706.07(a) and (b) characterizing the Office Action as Final was premature. The Examiner agreed and left a message on applicants' attorney's recording machine that the finality of the Office Action was withdrawn.

Returning now to the Office Action, the Examiner raised objections to claims 13, 17 and 20. The basis for the objections is set forth under item 2, page 3 of the Office Action. Applicants have reviewed the objection carefully and have amended the claims to remove the Examiner's objection.

Claims 1-3, 5-6, 8-9, 11-13, 16-19 and 21-24 are rejected under 35 USC 102(b) as being anticipated by Calvignac et al. (U.S. Patent Number 6,775,284 B1).

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In response, applicants respectfully disagree with the Examiner and argue that for reasons set forth below the claims are not anticipated by the Calvignac et al. reference. Calvignac et al. teaches method and system for frame and protocol classification. The system includes a plurality of processor unit 110, instruction storage 122 where a plurality of different instruction sets are stored for retrieval and execution by the individual processing unit 110. Starting instruction in the instruction storage 122 is addressed in accordance with an address which is based on the type of message - it's protocol and encapsulation method - as determined by hardware classifier assist 118 (Calvignac col. 7, lines 8-30). Contrary to the Examiner's position as set forth in the Office Action this reference does not teach the invention claimed in the present application.

With respect to a rejection under 35 USC 102(e) it is settled law that every element, function and operation set forth in the claims must be found in a single reference. If a claim recites a feature or function not found in the reference then the claim is not anticipated.

With respect to claim 1 it calls for "forming at said ingress processor a header for each frame destined for said egress processor said header having code for identifying a beginning address of picocode instruction stored in said egress processor". This element of the claim is not found in Calvignac reference. Claims 2-3, 5 and 21 depend on claim 1 and this limitation is also included. Therefore, claims 2-3, 5 and 21 are not anticipated.

Claims 6 and 8 recite substantially similar language and are not anticipated.

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Claim 12 depends on claim 8 and this limitation is also included. As a consequence, claims 9, 11 and 12 depend on claim 8 and are not anticipated by Calvignac et al.

With respect to claim 13, it calls for partially processing a receive frame in an ingress processor . . . and completing processing of said frame in an egress processor . . . This dichotomy of processing where part is done in the manner set forth in the claim by the ingress processor and part of the processing is completed as set forth in the claim by the egress processor is not disclosed in Calvignac et al. Claims 16, 17 and 18 depend on claim 13 and the limitations from claim 13 are also part of these claims. Therefore, claims 13, 16, 17 and 18 are not anticipated by Calvignac et al. With respect to claims 19 and 21 the first element of claim 19 after the preamble is not found in Calvignac et al., therefore, these claims are not anticipated by the reference.

With respect to claims 22 and 23 the first element of claim 22 after the preamble is not found in Calvignac et al. Therefore, the claim is not anticipated.

Finally, in claim 24 the first element of the claim after the preamble is not found in Calvignac et al. Therefore, claim 24 is not anticipated by Calvignac et al. As a general rule it is argued that nowhere in Calvignac et al. is the teaching of the ingress processor forming a header that is appended to receive frame and forward to egress processor; wherein the header having the effect of expediting the processing of frames in that the egress processor does not have to re-do or re-process the processing that has already been done by the ingress processor.

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Claims 1-2, 5-6, 8, 11-16 and 18-24 are rejected under 35 USC 102(e) as being anticipated by Gallo et al. (U.S. Patent 6,760,776 B1).

For reasons set forth herein applicants respectfully disagree with the Examiner and argue that these claims are not anticipated by Gallo et al. The law as it applies to a rejection under 35 USC 102(e) is set forth above and incorporated herein by reference. In essence every element, feature and function of the claims must be found in a single reference. U.S. Patent 6,760,776 B1 (Gallo et al.) teaches apparatus and method for effectuating layer type processing. Layer type processing relates to processing that would be performed in different types of network components such as a router, bridge, etc. Each frame upon receipt is modified as shown in Figure 5 and described at column 4, lines 43-56 (Gallo et al.). Nowhere in this reference is a teaching or suggestion of the distinguishing elements set forth above distinguishing applicants' claim from the Calvignac et al. reference. In applicants' opinion Gallo et al. reference appears to be less relevant to the claims than Calvignac et al.

In particular, the same elements that distinguish the claims from Calvignac et al. equally distinguishes the claims from Gallo et al. and are incorporated herein by reference. As a consequence, these claims are not anticipated by Gallo et al.

Notwithstanding the above, in an effort to advance the prosecution of this application, applicants have submitted a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the references (both Calvignac et al. and Gallo et al.) was derived from the inventor of this application and is thus not the invention by another.

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It is believed that the present amendment answers all the issues raised by the Examiner. Reconsideration is respectfully requested and an early allowance of all the claims is solicited.

Respectfully Submitted,



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